

RSA-1601-2013

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA-1601-2013

Date of Decision: 16th January, 2019

Roshni Devi through LRs

...Appellant

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. J.K.Goel, Advocate,
for the appellant.

Mr. Manish Dadwal, AAG, Haryana.

AUGUSTINE GEORGE MAS IH, J. (ORAL)

It is the contention of the learned counsel for the appellant that the cross-objections, which have been filed by the appellant against the judgment and decree passed by the Civil Judge (Junior Division), Karnal, dated 25.05.2011, although have been referred to in the judgment and decree dated 06.02.2013 passed by the learned Additional District Judge, Karnal, but no decision thereon has been taken nor has any decree been passed. He, thus, contends that the cross-objections of the appellant are still pending before the lower Appellate Court and therefore, judgment and decree as passed by the lower Appellate Court, wherein, cross-objections although have been referred to but not decided, deserves to be set aside and case remanded back to the lower Appellate Court for fresh decision on the cross-objections.

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I have considered the submissions made by the learned counsel for the appellant and have gone through the judgment passed by the learned Additional District Judge, Karnal, dated 06.02.2013 and found that the assertions of the counsel for the appellant are correct.

In view of the above, the present appeal is allowed. The impugned judgment and decree dated 06.02.2013 as passed by the Additional District Judge, Karnal, is hereby set aside. Parties are directed to appear before the District Judge, Karnal, on **11.03.2019** for decision on the appeal as well as cross-objections.

Records of the Courts below be sent back to the quarter concerned forthwith.

(AUGUSTINE GEORGE MASIH)
JUDGE

16th January, 2019
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No